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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

DENICE MADISON,) No. 2:11-cv-1126
Plaintiff,)
v.)
UNITED COLLECTION SERVICE,) COMPLAINT AND DEMAND FOR
Defendant.) JURY TRIAL
)
)
)
)

DENICE MADISON, (“Plaintiff”), through the undersigned counsel, Karen S. Lindholdt, alleges the following against UNITED COLLECTION SERVICE, INC., (“Defendant”):

I. INTRODUCTION

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1 1. This is an action for actual and statutory damages brought by plaintiff
2 Denice Madison an individual consumer, against defendant United Collection
3 Service, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
4 1692 *et seq.* (hereinafter “FDCPA”) which prohibits debt collectors from
5 engaging in abusive, deceptive, and unfair practices.
6

7 **II. JURISDICTION**

8 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k (d) and 28
9 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and
10 2202. Venue in this District is proper in that the Defendant transacts business here
11 and the conduct complained of occurred here.
12

13 **III. PARTIES**

14 3. Plaintiff, Denice Madison is a natural person residing in Kent,
15 Washington.
16

17 4. Defendant, United Collection Service, Inc. is a corporation engaged in
18 the business of collecting debt in this state with its principal place of business
19 located at 16040 Christensen Road, Suite 305, Tukwila, Washington 98188. The
20 principal purpose of Defendant is the collection of debts in this state and Defendant
21 regularly attempts to collect debts alleged to be due another.
22

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5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a (6).

IV. FACTUAL ALLEGATIONS

6. Defendant constantly and continuously placed excessive collection calls to Plaintiff in a manner that displays intent to annoy Plaintiff, seeking and demanding payment for an alleged consumer debt owed under an account number.

7. Upon information and belief, Defendant began placing collection calls to Plaintiff on February 24, 2011.

8. Upon information and belief, Defendant called Plaintiff at Plaintiff's place of employment, and was given knowledge of Plaintiff's work hours and that such calls both inconvenience Plaintiff and are prohibited by Plaintiff's employer.

9. Upon information and belief, Defendant continued to call Plaintiff again at Plaintiff's place of employment without Plaintiff's consent.

10. Upon information and belief Defendant failed to disclose in the initial communication with the Plaintiff, which was not a formal pleading, that the

1 Defendant is attempting to collect a debt and that any information obtained will be
2 used for that purpose.

3
4 11. Defendant utilized unfair and unconscionable means to try to get
5 payments from Plaintiff, by continuing to call Plaintiff at work after Plaintiff asked
6 Defendant not to; without Plaintiff's consent.

7
8 12. As a result of the acts alleged above, Plaintiff suffered emotional
9 distress resulting in her feeling stressed.

10
11 **V. CLAIM FOR RELIEF**

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13 13. Plaintiff repeats and realleges and incorporates by reference to the
foregoing paragraphs.

14
15 14. Defendant violated the FDCPA. Defendant's violations include, but
are not limited to, the following:

16
17 (a) Defendant violated §1692d(5) of the FDCPA by causing
18 Plaintiff's telephone to ring continuously with intent to annoy, abuse,
19 or harass, the natural consequence of which was to harass, oppress
20 and/or abuse Plaintiff; and

(b) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and

(c) Defendant violated §1692a(3) of the FDCPA by calling Plaintiff's place of employment with knowledge or the reason to know that the consumer's employer prohibits the consumer from receiving such communication, without the prior consent of Plaintiff given directly to Defendant or the express permission of a court of competent jurisdiction.

(d) Defendant violated §1692e(11) of the FDCPA by failing to disclose in the initial communication with the Plaintiff that the Defendant is attempting to collect a debt and that any information obtained will be used for that purpose; without the initial communication being a formal pleading.

15. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

16. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff Denice Madison for declaratory judgment that Defendant's

1 conduct violated the FDCPA, actual damages, statutory damages, and costs and
2 attorney fees.

3 WHEREFORE, Plaintiff respectfully requests that judgment be entered
4 against defendant United Collection Services, Inc., for the following:

5 A. Declaratory judgment that Defendant's conduct violated the
6 FDCPA.

7 B. Actual damages;

8 C. Statutory damages pursuant to 15 U.S.C. § 1692k.

9 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. §
10 1692k;

11 E. For such other and further relief as the Court may deem just and
12 proper.

13 **DEMAND FOR JURY TRIAL**

14 PLEASE TAKE NOTICE that Plaintiff DENICE MADISON demands trial
15 by jury in this action.

16 Dated this 5th day of July, 2011.

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s/ Karen S. Lindholdt
Karen Lindholdt, WSBA #24103
Attorney at Law

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4 Attorney for DENICE MADISON
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24 Complaint Karen S. Lindholdt
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